

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA.**

March 9, 2009

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 452**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: Adoption of Chapter 22, 23 and 24 Rules and Rules 1.15.1.2, 1.20.05, 1.25.01, 1.38.3, 1.39.101; Amendments to Rules 1.10, 1.22, 1.25.1, 1.39.2(b)6, 9.1(f), 17.25, 6.5(e), 6.5(g), 6.14(f), 6.14(g), 6.15(d), 6.17, 9.1(a)2, 9.1(f), 11.26(a)1, 11.26(b)1, 11.26(c), 11.26(d), 11.26(g), 12.6(b), 17.16(b)3, 17.17(a), 17.17(b), 17.23(a), 17.25(a), 17.25(b), 17.25(c)3, 17.26, and 17.28; Repeal of Chapter 7 and 8 Rules in their entirety and Repeal of Rules 1.5.2.1, 1.15, 1.29, 11.27(c), 17.19(b)2, 17.19(d)1, 17.19(d)2, and 17.19(d)3.

Issue Date: March 9, 2009

At its regular business meeting on November 19, 2008, the Civil Service Commission approved adoption of Chapters 22, 23, and 24 Rules; adoption of Rules 1.15.1.2, 1.20.05, 1.25.01, 1.38.3, 1.39.101; amendments to Rules 1.10, 1.22, 1.25.1, 1.39.2(b)6, 6.5(e), 6.5(g), 6.14(f), 6.14(g), 6.15(d), 6.17, 9.1(a)2, 9.1(f), 11.26(a)1, 11.26(b)1, 11.26(c), 11.26(d), 11.26(g), 12.6(b), 17.16(b)3, 17.17(a), 17.17(b), 17.23(a), 17.25(a), 17.25(b), 17.25(c)3, 17.26, and 17.28; and repeal of Chapters 7 and 8 Rules in their entirety as well as repeal of Rules 1.5.2.1, 1.15, 1.29, 11.27(c), 17.19(b)2, 17.19(d)1, 17.19(d)2, and 17.19(d)3. These new Rules, amendments, and repeal of Rules were approved and to be **effective February 16, 2009**. Explanations for the new Rules and changes appear in General Circular No. 1746.

Please note that because Chapters 22, 23, and 24 are new and were adopted in their entirety, there will not be any asterisks, which are used to indicate changes to previously existing Rules.

If you have any questions, please call the Staffing Division at 225-342-8536.

Please make the following changes in your Civil Service Rules:

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Sincerely,

s/Anne S. Soileau
Director

CHAPTER 1

DEFINITIONS

The following words and phrases when used in these Rules shall have the following meaning ---

- 1.1 'Abandonment of Position' means the desertion by a Classified employee of his position.
- 1.1.1 'Acceptable Rating' means a performance appraisal rating of either "Achieves Results Expected", "Exceeds Results Expected" or "Outstanding".
- 1.1.2 'Action' means a personnel transaction effecting a change to a person's employment or to a position.
- 1.2 'Allocation' means the determination of the job to which a position is deemed to pertain.
- 1.3 Repealed, effective January 1, 1975.
- 1.3.1 'Annual Leave' is leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.
- 1.4 'Appointing Authority' means the agency, department, board, or commission, and the officers and employees thereof authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.
- 1.5 'Appointment' means an offer by an appointing authority to a qualified person of employment in a classified position and the acceptance of such offer.
- 1.5.01 'Article' or 'Civil Service Article' means Article X, Part I of the Constitution of the State of Louisiana of 1974, ratified by the electorate of Louisiana.
- 1.5.02 'Base Supplement' means additional pay above the range maximum, when authorized by the Commission and approved by the Governor under limiting factors (e.g., by job titles, geographic areas, organizations, etc.) it deems appropriate when market and employment conditions require such supplement in order to maintain competent and experienced staff, which is treated as a part of base pay.
- 1.5.1 'Bona Fide Student' means a person enrolled in an accredited high school, college or university in the State, or a person enrolled in a State-operated technical college, in a sufficient number of courses and classes in such institution to be classified as a full-time regular student under the criteria used by the institution in which he is enrolled; or a person enrolled in an off-campus college work-study

program in a proprietary institution of higher education as defined in Section 102(b) of the Higher Education Act of 1965, as amended. Less than full time students may be considered for employment as bona fide student employees only for work performed under the Federal Work-Study Program. A bona fide student shall retain his status during breaks, which occur in the course of or between sessions, including summer breaks. In addition, colleges and universities may employ their own full-time and part-time students as bona fide students.

- 1.5.2 'Career field' means any one of a job series or group of positions considered to have a close occupational relationship and categorized as such by the Department of State Civil Service. A career field shall include a job series, or series of jobs that were created to provide a natural progression. The career field(s) used by an agency in a layoff shall be the career field(s) in the official career field listing as updated through the latest Transmittal Sheet dated before the layoff plan is received by the Department of State Civil Service.
- 1.5.2.01 'Cause' means conduct which impairs the efficient or orderly operation of the public service.
- 1.5.2.1 Repealed effective February 16, 2009. ***
- 1.5.3 'Change in Position' for the purpose of the performance appraisal rating system, means either a voluntary demotion or the assignment of an employee to another position in the same or a different job with significantly different duties from those of the position he previously held, or the movement of an employee to another position in another agency.
- 1.6 'Class', for the purpose of these Rules, means the same as 'Job'. (See Rule 1.17.1.1)
- 1.6.1 'Classification Plan' means the hierarchical structure of jobs, arranged in pay grades according to job evaluation results.
- 1.7 'Classified Position' means any office or position in the Classified Service.
- 1.8 'Classified Service' is defined as that body of employees performing personal services to and for the State or any of its instrumentalities, except those rendering such services who are specifically exempt from the Classified Service by the Article and these Rules.
- 1.9 'Commission' means the State Civil Service Commission.

- 1.9.01 'Commuting Area' means that geographic area in which employees are subject to competition for a layoff. It shall encompass either: 1) the parish of the abolished position(s), or 2) an expanded area which will be defined by the agency and will consist of the parish of the abolished position(s) plus one or more parishes bordering the parish of the abolished position(s).
- 1.9.02 'Compensation' means any salary, wages, fees, special pay considerations, or any other cash payment directly to an employee as a result of service rendered in any position. It shall not include reimbursement for travel incurred in the performance of official duties nor the authorized assignments on utilization of automobiles, houses or other movable property of the state or other governmental entity.
- 1.9.1 'Continuing Position' means an office or position of employment in the Classified Service which reasonably can be expected to continue for more than twelve months.
- 1.10 'Continuous State Service' means continuous employment in a classified position. Such service includes any authorized leave of absence; a separation by layoff of not more than one year when reemployment is from a department preferred reemployment list; separation without a break in service of one or more working days; or separation for active military service in the armed forces of the United States where reemployment is in accordance with the provisions of Civil Service Rule 23.15. ***
- 1.11 'Demotion' means a change of a permanent or probationary employee from a position in one job to a position in another job which is assigned to a pay grade with a lower maximum.
- 1.12 'Department' means any legally constituted agency, board or commission whose employees are in the 'State Service' as defined by the Article.
- 1.13 'Department Preferred Reemployment List' means a list of permanent employees who have been laid off or demoted in lieu of layoff. Employees on such a list are given preferential hiring rights in the department or agency affected by a layoff.
- 1.13.01 'Designated Holiday' means a holiday or part of a holiday an employee observes, in lieu of a regular holiday observed by his agency, because the regular holiday or a portion thereof, fell on the employee's regular day off.
- 1.13.1 'Detail to Special Duty' means the temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned, without prejudice to his rights in and to his regular position.
- 1.14 'Director' means the Director of the Department of Civil Service.
- 1.14.01 'Dismissal' means the separation from employment for disciplinary reasons.

- 1.14.1.1 'Dual Career Ladder' means a set of one or more non-supervisory jobs in a job series which receives higher pay than traditional non-supervisory jobs because they require performance of higher level, more complex duties and possession of advanced, specialized skills. The purpose of the dual career ladder is to provide another route of advancement for employees as an alternative to promotion to supervisory or managerial positions.
- 1.14.1 'Discrimination' means consideration of religious or political beliefs, sex, race, or any other non-merit factors.
- 1.14.2 'Efficiency Rating' means the official overall rating assigned to an employee in accordance with Chapter 10 of these rules.
- 1.15 Repealed effective February 16, 2009. ***
- 1.15.01 'Employee' for the purpose of these rules, does not include any employee of a temporary staffing services firm on contract with the State.
- 1.15.1 'Employee Affected by a Layoff' means one who has experienced one of the consequences of a layoff such as separation, displacement, demotion, reassignment, or change in duty station.
- 1.15.1.1 'Exempt' is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.
- 1.15.1.2 'Flexible Qualifications' are qualification standards established by the Director and included on the job specification that appointing authorities are expected to use in the same manner as Minimum Qualifications for most appointments but which may be adjusted in circumstances where the appointing authority can justify it by documenting a rational business reason, such as having no applicants who meet the Flexible Qualifications stated on the job specification. ***
- 1.15.2 'Furlough' means a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.
- 1.15.2.1 'General Increase' means an across the board wage and salary increase designed to bring pay in line with increases in the cost of living.
- 1.15.2.2 'Hiring Rate' means the beginning rate at which persons are hired into a job.
- 1.15.2.3 'Individual Pay Rate' means the rate of pay assigned to a given individual. Individual pay rates may vary on the same job as a function of base supplement, of service in grade, performance or some other basis for establishing variation.
- 1.15.3 Repealed, effective May 8, 1996.
- 1.16 Repealed, effective September 7, 1982.
- 1.17 Repealed, effective March 15, 1966.
- 1.17.1 Repealed, effective January 1, 1975.

- 1.17.1.1 'Job' means a homogeneous cluster of work tasks. Taken as a whole, the collection of tasks, duties and responsibilities constitutes the assignment for one or more individuals whose work is the same nature and which is performed at the same skill/responsibility level. This definition, for the purpose of these Rules, means the same as 'Class' (See Rule 1.6).
- 1.17.2 'Job Analysis' means a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of the work behaviors and tasks performed.
- 1.18 'Job Appointment' is a non-permanent appointment of an employee to fill a position in the classified service for a limited period of time.
- 1.18.1 'Job Evaluation' means a formal process which determines the relative value to be placed on various jobs within the organization.
- 1.18.2 'Job Specification' means a summary of the most important features of a job including the general nature of the work performed, specific task responsibilities, and employee characteristics (including skills) required to perform the job. A job specification focuses on the job itself and not any specific individual who might fill the job.
- 1.18.01 'Job Correction' means the change in the allocation of a position as a result of revisions to the job specifications and/or the allocation criteria.
- 1.19 'Layoff' means the separation of an employee from a position because of a lack of work or a lack of funds or the abolition of a position.
- 1.19.1 'Layoff Avoidance Measures' mean actions taken by an appointing authority and approved by the Director and/or the Commission to help prevent a layoff. These include: withholding of merit increases, reductions in work hours and furloughs. Another measure, one not needing Civil Service approval, is the required use of leave during agency closures as stated in Rule 17.1(b).
- 1.20 'Leave of Absence Without Pay' means time off from work without pay granted by an appointing authority or imposed by an appointing authority for an unapproved absence.
- 1.20.001 'Market Grade Job' means a job that is assigned a grade having a pay range more appropriate to the market rate for that job than the range assigned its evaluated grade.
- 1.20.002 'Merit Increase' means an adjustment to individual pay rate based on performance, or some other individual equity basis.

20.6

- 1.20.01 'Military Purposes' means the performance of continuous and uninterrupted military duty on a voluntary or involuntary basis and includes active duty, active duty for training, initial active duty for training, full-time National Guard duty, annual training and inactive duty for training (weekend drills).
- 1.20.02 Repealed, effective May 8, 1996.
- 1.20.03 Repealed, effective May 8, 1996.
- 1.20.04 'Minimum' means the interim minimum of a pay range, as stipulated in Chapter 19 until such minimum no longer exists.
- 1.20.05 'Minimum Qualifications' are minimum requirements established by the Director and included on the job specification necessary for appointment to a classified job unless specifically waived elsewhere in these rules. ***
- 1.20.1 REPEALED - EFFECTIVE JULY 12, 2000
- 1.20.1.1 'New Employee,' only for purposes of the performance planning and review system, means any employee who receives a new anniversary date upon entering or reentering the classified service.
- 1.20.2 'Official Domicile' means the following:
- a) The official domicile of an officer or employee assigned to an office, exclusive of temporary assignments, shall be the city in which the office is located.
 - b) The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the employee.
- 1.20.3 'Official Holiday' means either the employee's actual or designated holiday, whichever is selected by the appointing authority for overtime compensation purposes.
- 1.21 'Organization Unit' means any administrative agency or part thereof that is designated by rule or regulation hereunder as a unit for purposes of administering these Rules.
- 1.21.1 'Organizational Unit' for the purposes of layoff and layoff avoidance measures means the area subject to a layoff or layoff avoidance measure, as approved by the Director. It shall normally be one of the following:
- (a) One of the state Departments authorized in the Constitution.
 - (b) An office headed by a secretary, assistant secretary, or undersecretary, or an office established by law and headed by a comparable official having appointing authority over that office.

- (c) An institution with an appointing authority and supporting services such as a hospital or school.
- (d) A separate state agency or one that is housed in a department but has a separate appointing authority, separate identity, a distinct mission and powers granted by statute. Such agencies include those transferred under statute, each of which continues to exercise all of the powers, duties, functions and responsibilities authorized by the Constitution or laws. The functions of such agencies are exercised independently of the secretary and any assistant secretary.

- 1.22 'Original Appointment' means appointment of a person to a classified position by probationary or job appointment. ***
- 1.23 Repealed, effective June 29, 1987.
- 1.24 'Pay Plan' means a schedule of pay rates or ranges and a list showing the assignment of each job in the job evaluation plan to one of the rates or ranges and includes rules of administration.
- 1.24.001 'Pay Range' means the range of pay rates from minimum to maximum set for a pay grade.
- 1.24.002 'Pay Structure' means the organization of pay grades and ranges established for jobs within the classified service.
- 1.24.003 'Pay Structure Adjustment' means a change in the range minimums and maximums for all grades. The purpose is to maintain a general competitive level with the market for recruitment purposes and is generally accomplished without increases to individual pay rates.
- 1.24.01 'Performance Appraisal Rating' means the overall rating of an employee, made in accordance with the performance appraisal system established by these Rules.
- 1.24.02 'Performance Standard' means a statement or description of observable conditions that define the levels of performance for each major task or duty area.
- 1.24.03 'Personnel Action' means a personnel transaction effecting a change to a person's employment or to a position.
- 1.24.1 'Political Activity' means an effort to support or oppose the election of a candidate for political office or to support or oppose a particular party in an election.
- 1.25 'Position' means any office and any employment in the Classified Service. 'Position' for job evaluation and pay purposes means a collection of duties and responsibilities assigned to an individual employee. Multiple positions may constitute a job.

20.6.2

- 1.25.01 'Position Change' for the purposes of types of appointment means the movement of a classified employee from one position number to another position number with the same job title. ***
- 1.25.1 'Preference Employee' is an employee who on the effective date of his/her transfer pursuant to Rule 24.1 would be entitled to veteran's preference in accordance with Rule 22.7 as if he/she was applying for original appointment on that effective date. ***
- 1.25.2 Repealed, effective July 2, 1986.
- 1.26 'Probationary Appointment' means appointment of a person to serve a working test period in a position.
- 1.26.1 'Progress Review' means a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in the area of performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.
- 1.27 'Promotion' means a change of a permanent employee from a position in one job to a position in another job which is assigned to a pay grade with a higher maximum.
- 1.28 'Promotional List' means a list, established in conformity with these Rules, of permanent employees who have demonstrated their fitness for a position of a higher grade by successfully passing an examination for such higher job position and are eligible for promotion within the same department or transfer and promotion from another department.
- 1.29 Repealed effective February 16, 2009. ***
- 1.30 'Public Hearing' means a hearing held after public notice of at least 24 hours, at which any person may have a reasonable opportunity to be heard, in accordance with such rules and regulations as may be adopted by the Commission.
- 1.31 Repealed, effective March 15, 1966.
- 1.32 'Reallocation' means a change in the allocation of a position from one job to another wherein the duties of the position have undergone a change.
- 1.33 'Reassignment' means the change within the same department of a probationary or permanent employee from a position in one job to another position in a different job, both jobs of which have the same maximum rate of pay.
- 1.33.01 'Red Circle Rate' means an individual pay rate, excluding those that fall within the base supplement authorized for a position, that is above the maximum of a pay range for a grade; or, only under conditions as specified in Rule 6.15(d), an individual pay rate that is above the base supplement authorized for a position.
- 1.33.02 'Reduction in Pay' means an action taken for disciplinary reasons whereby an employee's individual pay rate is reduced but the employee remains in the same job.

- 1.33.1 'Reemployment' means the noncompetitive appointment of a person based on permanent status attained in former employment in the Classified Service.
- 1.34 'Regular or Permanent Appointment' means the status attained by a classified employee upon the successful completion of his probationary period.
- 1.35 Repealed, effective March 15, 1966.
- 1.36 'Reinstatement' means the restoration of an employee to pay and duty status with all benefits of employment.
- 1.37 'Removal' means the separation from employment for non- disciplinary reasons as provided in Rule 12.6.
- 1.37.1 'Reserve Component'- Consists of members of the National Guard and Reserves of all Branches, officers and enlisted personnel, who perform active duty, active duty for training or inactive training duty.
- 1.38 'Resignation' means the separation from employment at the employee's request.
- 1.38.1 'Restricted Appointment' means a temporary appointment or combination of temporary appointments not to exceed a cumulative total of six months in a calendar year for a person.
- 1.38.2 'Retitle' occurs when the revision in the job specifications results in a change in the job title.
- 1.38.3 'Selective Certification' means a special job-related qualification standard that is approved by the Director for a specific position number and consists of a narrowing of or addition to the established Minimum Qualifications but in no way reduces the Minimum Qualifications, i.e., an applicant must meet both the Minimum Qualifications and the Selective Certification to be appointed. ***
- 1.39 'Service Rating' means the individual rating of an employee, made in accordance with the service rating system established by these Rules.
- 1.39.01 'Shift Differentials' means extra pay allowances made to employees who work nonstandard hours.
- 1.39.1 'Sick Leave' is leave with pay granted an employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.
- 1.39.101 'Special Provisional Appointment' means a temporary appointment under the provisions of Rule 24.2 to allow employees subject to acquisition up to two years to complete the processes required for probationary appointment. Employees appointed under this provision earn leave according to Chapter 11 of these rules. ***
- 1.39.2 'State Service', for the purposes of layoff and layoff avoidance measures, means the total length of Classified State Service in the equivalent full-time years, months, and days as an employee of a State agency or agencies subject to the following:
- (a) Periods of time not counted as Classified State Service under this definition for the purposes of layoff and layoff avoidance shall be:
1. All leave without pay not expressly authorized in Subsection (b)9 of this Rule.

2. State service earned before retirement in any state retirement system by an employee who is rehired into state service after such retirement.
 3. Unclassified State Service acquired after January 1, 1983, subject to the provisions of Subsection (b) of this Rule.
 4. Classified State Service obtained after January 1, 1983, on a restricted or provisional appointment if such an appointment was not converted to a probational or job appointment.
 5. Classified or Unclassified State Service on a part-time intermittent (i.e., when actually employed -WAE) appointment, if such service was acquired after January 1, 1983.
- (b) Periods of time counted as Classified State Service under this definition for the purpose of layoff or layoff avoidance measures are the following, which are all subject to Rule 1.39.2(a)2:
1. All time spent on any type of Classified and/or Unclassified appointment prior to January 1, 1983.
 2. Classified State Service obtained after January 1, 1983, on probational, job and permanent appointments and on restricted or provisional appointments that were converted to probational or job appointments, subject to the provisions of Subsection (a) 5 of this Rule.
 3. Absence from State Service of not more than one year as the result of a layoff of an employee with permanent status.
 4. Any military service that interrupts Classified employment, including military service consisting of active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service, subject to the provisions of Rule 17.17.
 5. Separations of not more than thirty days from the Classified State Service, except that no breaks between emergency and/or restricted and/or multiple restricted appointments count.
 6. Unclassified State Service acquired by an unclassified employee relative to his being brought into the Classified Service under Rule 24.2. ***
 7. Periods of time that the layoff avoidance measures stated in Rule 17.1(a) are in effect for full-time employees shall count as full-time employment.

2. When special entrance rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.
3. Special entrance rates and special retention rates must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

(c) Reentering the Classified Service.

The pay of an employee reentering the classified service, other than one being restored to duty following military service, may be fixed at any rate in the range, or within the range plus base supplement authorized for the position in which he is being employed, that does not exceed the highest salary he previously earned while serving with permanent status in a classified position other than detail to special duty. If the range for the job has been adjusted and the range minimum is higher than his former salary, he will enter at range minimum. If the former salary is higher than the range maximum or range maximum plus authorized base supplement, his pay rate shall be set no higher than the range maximum, or range maximum plus base supplement if authorized for the position in which he is being employed. The appointing authority may at any time grant, to the extent permitted by other provisions of these Rules, any increase for which an employee having reentered the classified service possesses eligibility under this subsection. This Rule shall not apply to a former employee who was dismissed or resigned to avoid dismissal.

(d) Restricted Appointments.

When an appointing authority makes a restricted appointment, he may set the pay of the employee at any rate in the range.

(e) Return From Military.

Subject to Rule 23.15, when an employee returns from military service and is restored to duty in his former, equivalent or lower position, his pay shall be fixed at the rate earned prior to leaving the classified service. If the job or equivalent job had been upgraded or any pay adjustments granted, he shall be granted a pay rate reflecting the impact of these adjustments, as though he had been in that job at the time of the adjustments.

20.22 (Rule 6.5 Hiring Rate - continued)

- (f) The Director, with the approval of the Commission, may establish special hire rates for workers employed by any State agency which administers federal funds for use in this state, either directly or indirectly or as a grant- in-aid or to be matched or otherwise, provided such State agency is required to by rule or regulation of, or contract with, a participating federal authority to pay such special rate, except that an appointing authority must comply with the minimum wage rate as prescribed and required by Federal rules, statutes, regulations and judicial decisions, when such minimum rate is in excess of that provided for in these rules.

(g) Extraordinary Qualifications/Credentials

Subject to the provisions of Rule 6.29, if an applicant who is eligible for appointment under provisions of Chapters 22 and 23 of the Rules possesses extraordinary or superior qualifications/credentials above and beyond the minimum qualifications/credentials, the appointing authority may, at his own discretion, pay the employee at a rate above the minimum provided that:

1. such superior qualifications/credentials are verified and documented as job related,
2. the rate does not exceed the third quartile of the range for the affected job,
3. the rate is implemented in accordance with written policies and procedures established by the department,
4. the appointment is a probationary, provisional or job appointment.

The employee may be paid upon hiring or at any time within one year of the hire date. If paid after the hiring date, the pay change must be prospective. The salaries of all current probational and permanent employees who occupy positions in the same job title and who possess the same or equivalent qualifications/credentials may be adjusted up to but not to exceed the amount of the percent difference between the special hiring rate and the regular hiring rate provided that the qualifications/credentials are also verified and documented as job related and that the rate is implemented in accordance with written policies and procedures established by the department; such policies shall be posted in a manner which assures their availability to all employees. Such adjustments shall only be made on the same date that the higher pay rate is given to the newly hired employee.

If an employee with permanent status resigns and is then rehired into either the same position or into the same job title or a lower level job in his career progression group at the same agency, the employee shall not be eligible for an increase under this rule unless there has been a break in State service of at least 60 days.

(h) Reentering the Classified Service Without a Break In Service

When an appointing authority requires an employee to resign a permanent position in order to accept a probational appointment, and the employee accepts such an appointment without a break in service, and the appointment would have been considered a promotion according to Rule 6.7 the employee shall retain eligibility for the promotional increase for a period not to exceed 1 year. The appointing authority may grant any increase for which the employee would have been eligible under Rule 6.7. This Rule shall not apply to an employee who was dismissed or resigned to avoid dismissal.

CHAPTER 7

EXAMINATIONS AND ELIGIBLE LISTS

Chapter 7 was repealed in its entirety effective February 16, 2009. Refer to Chapters 22, 23 and 24.

CHAPTER 8

CERTIFICATION AND APPOINTMENT

Chapter 8 was repealed in its entirety effective February 16, 2009. Refer to Chapters 22, 23 and 24.

CHAPTER 22

REQUIREMENTS FOR FILLING JOB VACANCIES

22.1 Methods of Filling Vacancies.

Vacancies in the classified service may be filled by probational appointment, job appointment, restricted appointment, promotion, demotion, reassignment, position change, transfer, noncompetitive reemployment of a former employee, appointment from a Department Preferred Reemployment list, temporary inter-departmental assignment, or detail to special duty.

22.2 Filling Vacancies Prior to the Election for a Statewide Elected Office

An appointing authority shall obtain the Director's approval before making a permanent appointment to any job at or above MS-520, AS-620, SS-419, PS-115, WS-218, or TS-315 between the date of any election for a statewide elected office and the date the elected official takes office. The Director may exempt jobs from this requirement.

22.3 Public Announcement of Job Vacancies.

- (a) All vacancies for jobs in the classified service that are filled by probational appointment, job appointment or promotion shall be posted on the Internet in accordance with the Director's policies and procedures except as provided in Rule 22.3 (b).
- (b) A vacancy may be filled without public announcement in the circumstances listed below:
 - 1. Appointment from a Department Preferred Reemployment list.
 - 2. Restricted appointment.
 - 3. Noncompetitive appointment of a client of a State Vocational Rehabilitation Services Program or a State Blind Services Program under provisions of Rule 22.8 (a).
 - 4. Noncompetitive reemployment of a former employee based on prior state service under provisions of Rule 23.13 (a).
 - 5. Detail to special duty.
 - 6. Demotion of a permanent classified employee.
 - 7. Reassignment, position change or lateral transfer of a permanent classified employee.
 - 8. Out-of-state vacancies filled in accordance with Rule 22.8 (b).
 - 9. Temporary Inter-Departmental Assignment.
 - 10. When non-classified employees are declared to be in the State Classified Service or are acquired by a State Agency in accordance with Rule 24.2.
 - 11. Noncompetitive promotion of a permanent classified employee to a position to which he or she would have noncompetitive reemployment eligibility under Rule 23.13 if he or she were to resign.
- (c) In the case of vacancies to be filled by promotion, appointing authorities may limit application to permanent classified employees of a promotional zone approved by the Director.

22.4 Rejecting Applicants for Employment

The Director or an appointing authority may reject an applicant if the applicant:

- (a) Cannot be legally employed.
- (b) Does not meet the Minimum Qualifications of the job.
- (c) Has been convicted of a felony.
- (d) While serving with permanent status, was dismissed from state service or resigned to avoid dismissal.
- (e) Has submitted false information during the application or examination process or otherwise attempted to fraudulently secure eligibility for appointment for either self or others.

Applicants rejected shall be notified of the action taken.

22.5 Minimum Qualifications; Flexible Qualifications

- (a) The Director shall establish Minimum Qualifications which shall be included in the job specification for each classified job except as provided in Rule 22.5(b). Appointees must meet the Minimum Qualifications for the job unless exempted under provisions of Rules 22.5 (e), 23.12, 23.13(a) or 5.8. The Director may order the separation of any non-permanent employee who does not meet the Minimum Qualifications.
- (b) The Director may establish Flexible Qualifications instead of Minimum Qualifications. If established, they shall be included in the job specification. An appointee should meet the Flexible Qualifications. However, an appointing authority may make an exception provided there are rational business reasons and these are properly documented.
- (c) The determination as to whether an applicant meets Minimum Qualifications may be done by the Department of State Civil Service or by an appointing authority under delegated authority as determined by the Director. Decisions made by the appointing authority may be reviewed by the Director and his decisions will be final.
- (d) When an applicant is notified that he or she does not meet Minimum Qualifications, the applicant may request that the Director review the decision. The request must be in writing and be postmarked or received no later than 30 days from the date on the disqualification notice. The Director's decision shall complete the review process by the Department of Civil Service.
- (e) Whenever previously established Minimum Qualifications are changed and an incumbent in the affected job class does not meet the new requirements, the incumbent shall be allowed to
 - 1. remain in the position occupied on the effective date of the change provided there are no legal barriers.

2. qualify for higher level jobs in the normal career path of the job occupied, by acquiring the difference between the minimum qualifications of that job and the higher level jobs, as of the effective date of the change, provided there are no legal barriers.

22.6 Examinations

- (a) An examination is any formal assessment or combination of assessments used to evaluate an applicant's qualifications and job-related competencies. Examinations include but are not limited to tests, experience and training evaluations, minimum qualifications, resume evaluations, structured oral examinations, and job interviews. The Director may conduct examinations as deemed appropriate and shall establish eligibility requirements, examination schedules, application procedures and policies regarding retesting, expiration of test scores and cancelling test scores for Director-administered examinations.
- (b) The Director may authorize an appointing authority to conduct examinations and may establish policies for agency-administered examinations. Such examinations shall be job-related and designed to assess applicants based on merit, efficiency, fitness and length of service.
- (c) A test is a type of examination administered by a proctor to a group of applicants at a test center, consisting of written or electronic responses to questions.
- (d) Test takers shall be notified of their test scores by the Director or agency appointing authority as appropriate.
- (e) A test score is subject to review by the Director or appointing authority as appropriate upon written request postmarked or received within 30 calendar days following the date on the test result notice. A test score error shall be corrected, but shall not necessarily invalidate any appointment.

22.7 Veterans Preference; Proof of Eligibility

- (a) For original appointments, veterans' preferences of five or ten points shall be added to the final examination score of each eligible applicant who meets the minimum qualifications and has attained at least the minimum test scores required and at least the minimum rating required for eligibility in accordance with Section 10 (A) (2) of Article X and applicable statutes.
- (b) An applicant claiming eligibility for veterans' preference points shall provide proof of eligibility in the manner the Director prescribes.

22.8 Exemptions from Testing Requirements

- (a) An appointing authority may fill a vacancy by probational appointment, job appointment or promotion of a State Vocational Rehabilitation Services or Blind Services program client without the appointee's attainment of any test scores normally required, provided the appointee meets the Minimum Qualifications of the job, and that the appointing authority documents that the appointee is a bona fide client of a State Vocational Rehabilitation Services or State Blind Services Program, is disabled to such an extent as to prohibit participation in the usual required tests, and is able to perform the duties of the position without hazard to self or others.
- (b) The Director may exempt from testing requirements applicants for out-of-state vacancies filled by probational appointment, job appointment or promotion.
- (c) An applicant who meets the Minimum Qualifications and has obtained a baccalaureate degree from an accredited college or university with an overall grade-point average (GPA) of 3.5 or higher, as verified by official transcript, may be appointed by probational appointment or job appointment without taking any Director administered test normally required provided that the job to which he is appointed is a professional level job for which possession of the baccalaureate degree alone is sufficient to meet the Minimum Qualifications or a professional level job at the experienced or advanced level requiring up to, but not more than three years of professional level experience beyond the degree.

22.9 Certificates of Eligibles

- (a) For each vacancy which requires public announcement to fill, the Director shall create or authorize an appointing authority to create a certificate containing names of applicants who
 - 1. Meet the Minimum Qualifications.
 - 2. Have attained any test scores required by Civil Service.
 - 3. Have applied during the open period of the announcement.
 - 4. Have met any other eligibility requirements established by the Director, by Civil Service rules or by law
 - 5. Have met any other job-related selective certification requirements requested by the appointing authority, approved by the Director and stated in the public vacancy announcement.
 - 6. For promotions, are in the promotional zone approved by the Director and stated in the announcement.
 - 7. Have indicated they are available to work in the parish of the vacancy.

- (b) When the applicant is eligible for veteran's preference points, these shall be noted on the certificate.
- (c) The Director shall establish policies and procedures the appointing authority must follow when creating certificates including record keeping requirements.
- (d) The appointing authority shall determine the effective date of the appointment from the certificate, but in no case shall the effective date be prior to the closing date of the announcement or prior to the time the employee began work.
- (e) An appointing authority is not obligated to fill an announced vacancy.
- (f) The Director may impose more restrictive certification rules such as restricting hiring or promotion to particular score ranges in circumstances where he deems it to be in the best interests of the state.

22.10 Mandatory Training Requirements

The Commission shall establish mandatory training for employees who occupy or are appointed to designated supervisory, managerial, or administrative jobs. Each department shall advise employees who occupy these jobs of the training requirements. Employees who fail to meet the required training within the specified period of time may be disciplined or removed in accordance with Chapter 12 of the Civil Service Rules.

22.11 Withdrawal of Authority

The Director may withdraw from an appointing authority any authority the Director authorized under this chapter.

CHAPTER 23

APPOINTMENTS

23.1 Appointments

Appointments shall be made under a general system based on merit, efficiency, fitness and length of service as ascertained by examination which, so far as practical, shall be competitive.

23.2 Appointment from a Certificate of Eligibles

Probational appointments, job appointments and promotions shall be made from certificates of eligibles created in accordance with Rule 22.9 except as provided elsewhere in these rules.

23.3 Probational Appointment

(a) Probational appointments may be made without the use of a certificate:

1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).
2. For out-of-state vacancies under Rule 22.8(b).
3. Of applicants with 3.5 GPA under Rule 22.8(c).
4. By reemploying a former employee under Rule 23.13.

(b) When a vacancy is filled by probational appointment, such appointment shall be for a probationary period in accordance with Chapter 9 of these Rules.

23.4 Promotion

(a) Promotions may be made without the use of a certificate:

1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).
2. For out-of-state vacancies under Rule 22.8 (b).
3. Of permanent classified employees to positions to which they would have reemployment eligibility under Rule 23.13 if they were to resign.

(b) Promotions shall only be made of employees serving with permanent status in the classified service.

(c) No employee who has a current official overall Performance Planning and Review rating of "Poor" or "Needs Improvement" shall be promoted.

23.5 Job Appointment

- (a) An appointing authority may use a job appointment to fill a position for a period not to exceed three years. For rational business reasons, an appointing authority may request a longer term job appointment. The Commission may approve such requests or delegate approval authority to the Director. An appointing authority may terminate a job appointment at any time. This rule is subject to Rules 17.16(b)4 and 17.26 concerning layoff related actions.
- (b) Job appointments may be made without the use of a certificate:
 - 1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8.
 - 2. For an out-of-state vacancy under Rule 22.8(b).
 - 3. Of applicants with 3.5 GPA under Rule 22.8(c).
 - 4. By reemploying a former employee under Rule 23.13.
- (c) The Director may issue policy standards for the use of job appointments.
- (d) The Commission or Director may, at any time, cancel a job appointment and/or withdraw an agency's authority to make such appointments.

23.6 Restricted Appointment

- (a) A restricted appointment is a temporary appointment to be used for work of a temporary nature, to substitute for another employee, pending filling the position in a regular manner, or to address an emergency or work overload situation. An agency shall maintain written justification stating the reason for the restricted appointment. No restricted appointee shall work more than six months in a calendar year. The appointing authority or the Director may terminate the restricted appointment at any time.
- (b) Restricted appointees must meet the Minimum Qualifications for the job.
- (c) This rule is subject to Rules 17.16(b)4 and 17.26 concerning layoff related actions.

23.7 Temporary Staffing Services Employee

- (a) When work is required to be performed on a temporary basis and the work is essential to the efficiency of the agency, a temporary staffing services employee may be used, provided:
 - 1. Approval has been received from the appointing authority; and
 - 2. The employee shall be used only for the following: a) to replace an employee on leave, b) to fill a vacancy pending filling the position in a regular manner, or c) to address an emergency or work overload situation of short duration.

3. The employment of any one individual in this category shall not exceed 680 work hours in a twelve-month period.
 4. The appointing authority shall maintain a tracking document of usage of individuals in this category which is certified by the appointing authority to prevent violation of this rule. Such document shall be readily available for Civil Service audit as requested.
- (b) Individual temporary staffing services employees may be used for any length of time up to 680 work hours in a twelve-month period; however, the Director or appointing authority may limit the duration of or cancel the use of a temporary staffing services employee at any time.
 - (c) An extension over 680 work hours in a twelve-month period for an individual temporary staffing services employee shall not be allowed. If the appointing authority determines that a situation exists that requires the use of temporary staffing services employees beyond the 680 work hour limit within a twelve-month period, other replacement individuals may be solicited from the temporary staffing services firm(s) on state contract.
 - (d) The Director may withdraw an agency's authority to make use of temporary staffing services employees. Willful abuse or misuse of temporary staffing services may subject offenders to financial liabilities as provided in Rule 2.9

23.8 Transfer of Individual Employees

An employee may be voluntarily transferred from any position in the classified service in one department to any position in the classified service for which he is qualified in another department upon the recommendation of the appointing authority of the receiving department, provided the employee meets the Minimum Qualifications of the job to which he is transferring and has met Civil Service requirements for public announcement of vacancies, testing and competition.

23.9 Temporary Inter-Departmental Assignment

- (a) Upon agreement between departments, a permanent employee may be assigned to a classified position in another department for a period not to exceed one year, provided the employee meets the Minimum Qualifications of the job to which he is being assigned.
- (b) An employee so assigned shall continue to be an employee of the department from which he is assigned and shall have a right to return to his position at the conclusion of the assignment.

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- (c) Either participating department may end the inter-departmental assignment of an employee at any time. The Director may end such assignment if he determines that it violates the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plan, or the policies and procedures issued by the Director.
- (d) Notwithstanding any other provisions of these Rules, a temporary inter-departmental assignment may not be continued beyond one year without the Director's approval.

23.10 Reassignment and Position Change

- (a) An appointing authority may reassign any probationary or permanent employee to a position with a different job title that has the same maximum rate of pay, provided the employee meets the Minimum Qualifications of the job to which he is being assigned and has met Civil Service requirements for testing and competition.
- (b) An appointing authority may position change any probationary or permanent employee to a different position number with the same job title.

23.11 Change in Duty Station

An appointing authority may change the duty station of a permanent employee from one geographical area to another. An appointing authority may change the duty station of a probationary employee from one geographical area to another in accordance with guidelines specified by the Director to ensure observance of appropriate competition requirements.

23.12 Detail to Special Duty

- (a) An appointing authority may assign an employee to a different position in the same department for up to one month without changing the employee's classification or pay. After one month, the appointing authority shall detail or otherwise place the employee in the position in accordance with Civil Service Rules or return the employee to his or her regular position. Upon detail, pay shall be fixed in accordance with Civil Service Rule 6.11.
- (b) No detail shall exceed one year without the Director's prior approval. Written justification for all details for more than one month shall be kept by the agency. Justification shall be submitted with all details requiring the Director's approval. This rule is subject to Rules 17.16(b) 4 and 17.26 concerning layoff related details.
- (c) The Director may issue policy standards for use of details to special duty.
- (d) An appointing authority may end a detail at any time.
- (e) The Director may, at any time, cancel a detail to special duty and/or withdraw an agency's authority to detail employees for longer than one month.

23.13 Noncompetitive Reemployment Based on Prior State Service

- (a) A former permanent employee may, within ten years from separation, be reemployed in any job for which he or she meets the Minimum Qualifications and which has the same or lower maximum salary as the current maximum for the job in which he had permanent status. Further, if the job in which an employee or former employee held permanent status undergoes a change in title, other than an upward reallocation of the position after the employee separated from it, or undergoes a change in Minimum Qualification provided there are no legal barriers, he shall not lose his reemployment eligibility for such position or lower position in the same job series. In this case eligibility remains, even if the maximum pay has moved upward. Further, he shall be eligible to be reemployed in any other job at the same or lower current maximum pay as the job to which his position changed in title, provided he meets the minimum qualification requirements.
- (b) No former employee shall acquire eligibility for noncompetitive reemployment through service in a position from which he was dismissed or resigned to avoid dismissal or demoted for cause.
- (c) No former employee shall possess eligibility for noncompetitive reemployment in the position of Director of the State Department of Civil Service
- (d) The former employee may be required to provide proof or evidence of his or her prior employment before being eligible for reemployment under this rule.

23.14 Demotion

A permanent or probationary employee may be demoted for cause, or at his or her own request to any position for which he or she possesses the Minimum Qualifications established for the job.

23.15 Restoration of Duty Upon Return from Military Service

Any employee , who subsequent to June 24, 1948, has left or leaves a classified position in which he was or is serving with probationary or permanent status, for active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service and who upon separation from the armed forces by honorable discharge or under honorable conditions makes application for reemployment within ninety days thereof or within ninety days after he or she is released from hospitalization continuing after discharge for a period of not more than one year shall

- (a) If still qualified to perform the duties of such position, be restored by his or her department to such position or to a position of like seniority, status, and pay; or

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- (b) If not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform duties of any other position in the department where he or she formerly worked, be restored to such other position the duties of which he or she is qualified to perform as will provide him or her like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in his or her case.

23.16 Cancellation of Eligibility for Appointment

- (a) The Director may cancel the employment eligibility of any applicant or of any employee serving with other than permanent status following certification or employment if the applicant/employee:
 - 1. Cannot be legally employed.
 - 2. Does not meet the Minimum Qualifications established for the job.
 - 3. Has been convicted of a felony.
 - 4. While serving with permanent status, was dismissed from state service or resigned to avoid dismissal.
 - 5. Has submitted false information during the application or examination process or otherwise attempted to fraudulently secure eligibility for appointment for either self or others.
- (b) An applicant whose employment eligibility has been cancelled under this Rule shall be notified by the Director
- (c) Having cancelled the employment eligibility of an employee in accordance under this Rule, the Director shall notify the employee and the appointing authority, and the appointing authority shall terminate his or her employment.

23.17 Withdrawal of Authority

The Director may withdraw from an appointing authority any authority the Director authorized under this chapter.

CHAPTER 24

Transfer of Governmental Functions and Acquisitions

24.1 Transfer of Governmental Functions

When any or all of the functions of a state department are transferred to another state department, or when one state department is replaced by one or more other state departments, all positions and incumbents assigned the functions transferred or replaced shall be transferred to the receiving department. The allocation and individual pay rate of employees who transfer shall not change. Following this transfer, if the receiving department determines that any or all of the aforementioned positions should require an allocation change or abolishment, affected employees may be subject to layoff in accordance with Chapter 17 of these rules.

24.2 Status of Non-classified Employees Whose Positions are Declared to be in the State Classified Service or are Acquired by a State Agency.

- (a) When a nongovernmental private organization or position, which is not subject to Article X is acquired by a State department as a result of a legislative act, constitutional amendment, judicial decree, or an executive order, or a government organization or position, which has been created by an executive order of the Governor, legislation, constitutional amendment, or a local authority, is declared to be in the State classified service by judicial decree or by order of the Commission or Director, an employee encumbering an affected position shall be appointed in the State classified service under this Rule if:
1. His/her position is retained by the State agency, and the appointing authority of the agency certifies in writing to the Director that the retention is necessary for the continued efficient functioning of the acquiring agency, and such position falls within the State classified service;
 2. He/she is eligible for employment in the classified service;
 3. He/she is either employed in the position or is an employee of the acquired organization and has at least one year of continuous service as of the effective date of the transfer of the position or of the acquired agency to the State classified service provided that such effective date shall be the same effective date of the legislation, constitutional amendment, judicial decree, or commission order that initiated the action to classify the position, and in the absence of these directives, as of the date of the Director's order;
 4. He/she possesses the minimum requirements established for the class to which his/her position has been allocated, on the date of the notification to the agency of the original allocation of his/her position for probationary appointment;

5. He/she attains a passing score on the appropriate test, within 180 days of the date of notification of the original allocation of his/her position for probationary appointment. After notifying the Commission, the Director may waive the passing of a written test provided:
 - a. Either an appropriate test is not available or a review of the hiring and personnel practices of the entity indicates testing would be impractical and/or unnecessary; or
 - b. A review of the person's application and personnel record reveals that he/she has successfully performed the duties of the same position for two years; or
 - c. The appointing authority certifies that his/her performance has been satisfactory.
 6. Subject to Rule 17.14, when an agency acquires employees under this Rule and a layoff results, it shall neither exempt the acquired employees from a layoff, nor shall the acquisition of these employees prevent the appointment of classified employees from a Department Preferred Reemployment List.
- (b) An employee who enters the State classified service in accordance with this Rule and who is employed as a classified employee of a governmental jurisdiction subject to a civil service article, statute or ordinance shall be appointed to the State classified service with the same appointment status attained in the former service and such employee shall be exempt from the requirements in 24.2 (a) 3, (a) 4 and (a) 5. All other employees who enter the State classified service in accordance with this Rule shall be probationally appointed.
- (c) An employee who enters the state classified service in accordance with this Rule, and who is employed with an organization that is being acquired in its entirety for the first time in the classified service, may be exempted from the requirements in (a) 3, (a) 4, and (a) 5 by order of the Director, provided the employee occupies the same position with the acquired organization.
1. The Director may order such exemptions only after a review of the hiring and personnel practices of the organization that is being acquired.
 2. When using this provision the Director shall notify the Commission of his/her intention to apply it and, after using it, shall file a written report explaining the reasons therefore.
 3. The Director may still require certain employees to meet the requirements of (a) 4 and (a) 5.
 4. An employee acquired under this provision, except for those acquired under subsection (c) 3 above, will be considered to possess the minimum qualifications of the job in which acquired.

- (d) An employee who enters the State classified service in accordance with this Rule shall have his/her pay established in accordance with Rule 6.17.
- (e) An employee who enters the State classified service in accordance with this Rule shall have his/her leave credits determined as follows:
 - 1. An employee who is employed as a classified employee of a governmental jurisdiction subject to a civil service article, statute or ordinance shall have his/her annual and sick leave credits assumed by the acquiring agency; provided that only the amount of leave earned minus the amount taken, during the first year of the appointment authorized by the Director or Commission, may be paid upon separation in that year, except for separations caused by a layoff, medical disability, death or retirement. Upon entering the State classified service, he/she shall earn and be credited with leave benefits as provided elsewhere in these Rules.
 - 2. An employee of the state, so long as an official system of leave earning and use was maintained by the employer, shall have his/her leave credits determined as provided by Rule 11.19(d).
 - 3. Any other employee who enters the State classified service in accordance with this Rule shall be credited for unused annual and sick leave, not to exceed 240 hours of each, which had been earned by and credited to the employee on the date of his/her appointment to the State classified service so long as an official system of leave earning and use was maintained by the former employer; provided that only the amount of leave earned minus the amount taken by the employee, during the first year of the appointment authorized by the Director or Commission, may be paid upon separation in that year, except for separations caused by a layoff, medical disability, death or retirement.
- (f) Compensatory time shall not be credited above what is legally required under FLSA to the employee.
- (g) An employee who enters the State classified service in accordance with this Rule shall have his/her eligibility for merit increases under Rule 6.14 and leave earning determined based on the original date of appointment with his/her current or former employer and, upon appointment in the State classified service, shall not be treated as a new employee under the provisions of Rule 6.14. However, the Director may approve existing annual eligibility dates for all employees of an entity acquired under this rule, that already had a well established merit pay policy.
- (h) This Rule shall not apply to any employee who is illegally hired in either the State unclassified or State classified service as determined by the Commission after investigation by public hearing, or who is hired in the State unclassified service under the provisions of Rule 4.1(d)1, or who is voluntarily seeking employment in the State classified service.

- (i) Upon request of an appointing authority, and/or when in its judgment sufficient and compelling reasons to do so have been presented, the Commission may apply the provisions of this Rule to situations not addressed herein.
- (j) The Director may order an employee, who is subject to being brought into the State classified service under this Rule, to be placed on a special provisional appointment as provided by this subsection and such appointment shall:
 - 1. be provided to allow the completion of the process necessary to determine if the employee may remain in the classified service and what requirements of this rule, and others if applicable, will have to be met; and
 - 2. expire either upon probational appointment of the employee, or two years from the date the appointment was made, or upon cancellation by the Director.

17.16 Freeze on Appointments to Layoff-Affected Jobs

(a) Period of Freeze; Positions Affected

Beginning the date the Director approves the layoff plan, no appointments shall be made in the affected department to job titles abolished in the layoff or to equivalent or lower jobs in those career fields and commuting areas, except that job offers made prior to this approval date may be honored. This freeze on appointments shall end upon the establishment of the Department Preferred Reemployment List.

(b) Exceptions to the Freeze Not Requiring Director's Approval

Exceptions to the appointment freeze not needing Director's approval include the following:

1. Reinstatement of an employee as the result of an appeal decision.
2. Internal demotion.
3. Restoration of a former employee returning from military duty in accordance with Rule 23.15. ***
4. Restricted appointments, job appointments, details to special duty, and use of temporary staffing service employees, none of which shall extend beyond three months after the effective date of layoff.

17.17 Special Provisions for Veterans in Layoffs

(a) A veteran who has been restored to duty under the provisions of Rule 23.15 and who thereafter competes in a layoff shall be granted prior service credit for the period of time served as a member of the armed forces of the United States on which the restoration was based. ***

(b) An employee being restored to duty under the provisions of Rule 23.15 shall not be required to compete with other employees in a layoff conducted to permit his restoration. ***

17.18 Domicile for Displacement Purposes

(a) The domicile for an employee shall be the parish in which he reports to work.

(b) Employees whose official domicile is "Statewide" shall, for the purpose of displacement offers, be considered domiciled in the parish in which they officially reside.

(Rule 17.18 Domicile for Displacement Purposes – continued)

- (c) Employees who live and work outside of Louisiana shall, for the purpose of displacement offers, be considered domiciled in the parish in which they have an official residence. If they have none, their domicile shall be at their department's central headquarters.
- (d) Agencies may request a different domicile assignment in situations not addressed in this rule through the exception procedure in Rule 17.14(b).

17.19 Displacement Rights

(a) Employees with No Displacement Rights

The following employees have no displacement rights, and may be displaced in any order (neither group has any preference over the other):

1. Non-permanent employees
2. Permanent employees whose two most recent official performance evaluation ratings were “Needs Improvement” and/or “Poor” (a re-rating counts as one of the two most recent ratings). If displaced or laid off, these employees shall retain their review and appeal rights stated in Rules 10.13 and 10.14. If the review or appeal results in a rating change to "Meets Requirements" or higher after displacement offers have begun, the agency shall give the employee the offer, if any, he would have been given.

(b) Employees Who Have Displacement Rights

Displacement rights shall be granted to permanent employees whose two most recent official performance evaluation ratings include at least one rating of “Meets Requirements” or higher. A re-rating is counted as one of the two most recent ratings.

1. For purposes of this rule, a permanent employee with a rating of “Un-rated” shall be considered as having a rating of “Meets Requirements” for that rating period.
2. Repealed effective February 16, 2009. ***

(c) Limitations on Displacement Rights

An employee shall NOT have the right to displace:

1. into a job with a higher pay range
2. into a job for which he does not meet the Civil Service minimum qualification requirements
3. outside of his organizational unit (defined in Rule 1.21.1)
4. outside of his career field, (defined in Rule 1.5.2), unless the appointing authority has chosen the option of offering vacancies and/or non-permanently filled positions outside the career field.
5. outside of his commuting area (defined in Rule 1.9.01)
6. under circumstances described in Rule 17.22(c)3, if the agency has chosen to use performance ratings in displacement offers

(d) Effect of Displacement on Employee Status

Employees who displace into another position shall retain permanent status, even if they displace a non-permanent employee who occupies an ongoing position such as one allocated in the department's Table of Organization.

Exceptions to this are as follows:

1. Repealed effective February 16, 2009. ***
2. Repealed effective February 16, 2009. ***
3. Repealed effective February 16, 2009. ***

17.20 Factors Affecting Displacement Offers

- (a) Vacancies are not required to be offered. Vacancies either in the employee's career field or outside the career field may be offered in lieu of filled positions as long as they are not lower than the highest offer to a filled position in the career field.
- (b) Positions filled by non-permanent appointments outside the affected career field(s) are not required to be offered. Such positions may be offered in lieu of filled positions as long as they are not lower than the highest offer in the employee's career field.
- (c) If a training series position is offered, it shall be offered at the highest level for which the employee meets the Civil Service minimum qualification requirements, as long as it is not higher than his current job.
- (d) All offers shall be made with a minimum reduction in pay range.
- (e) A part-time position shall be offered only if there is not a full-time position to offer. The appointing authority may request an exception to this provision.
- (f) If the employee declines the offer or if there are no offers to make to him, he is subject to layoff.

17.21 Accommodation for Permanent Employees When No Displacement Offer Exists

When there is no ongoing position, such as one within the department's Table of Organization which can be offered, the agency may end job and/or restricted appointments of employees who occupy temporary positions which are not ongoing, and may use the position(s) to re-hire, without a break in service, a permanent employee who was laid off. The rehired employee may be rehired in job or restricted appointment status. If used, this accommodation must be granted first to the most senior employee who is being laid off within the affected job.

17.22 Displacement Offers

- (a) Employees whose performance ratings make them eligible for displacement offers shall be given offers according to length of service, with employees having the most state service being given first preference, regardless of the method chosen for displacement.

- (b) An employee shall be given a job offer, if one is available, in accordance with subsection (c) of this rule. Within this offer, an employee(s) who has no displacement rights shall be displaced before a permanent employee with the least state service.
- (c) The appointing authority shall choose from the following options for displacement. Any agency may use option 1 or 2 below. Only those agencies having 10% or less incidence of “Un-rated” ratings for the previous year ending June 30 may use option 3.

1. Offers When Layoff is Limited to Career Field

Subject to Rules 17.19 and 17.20, affected eligible employees shall be given the first available job offer of an ongoing position, such as one in the agency's Table of Organization, as listed below.

- a. a position with the same job title
- b. an equivalent position in the career field
- c. the next lower position available in the career field

2. Offers When Layoff is NOT Limited to Career Field

If the appointing authority has chosen to offer vacancies and/or positions occupied by non-permanent employees outside the career field, then the employee shall have the choice of:

- a. the first available offer in the career field as defined in subsection (c)1 of this rule,
OR
- b. the highest available non-career field offer, as long as this offer is higher than the first available career-field offer.

3. Offers Incorporating Performance Ratings

When using this method of making displacement offers, the appointing authority shall use the method stated in either subsection (c)1 or (c)2 of this rule, subject to the following:

- a. Employees with a current rating of "Meets Requirements" shall not be eligible to displace employees with a current rating of "Outstanding" or "Exceeds Requirements", regardless of length of state service.
- b. Employees whose most recent rating is "Poor" or "Needs Improvement", and whose previous rating was "Meets Requirements" or better, shall displace only those employees who have no displacement rights as stated in Rule 17.19(a).

17.23 Methods of Breaking Ties

In case of ties in displacement ranking, the following shall apply:

- (a) Permanent employees who have veterans' preference as referred to in Rule 22.7 and whose length of state service and performance ratings are at least equal to those of other competing employees shall be retained in preference to all other competing employees. ***
- (b) If subsection (a) of this rule does not apply, the remaining methods of breaking ties shall be: 1) based on the most recent performance ratings, 2) by length of service in the position, or 3) by length of service in the department. If none of these breaks the tie, the appointing authority may use any non-discriminatory method he chooses.

SECTION 3 - POST LAYOFF

17.24 Reporting Requirement after Layoff

The appointing authority shall report to the Director in writing within 15 calendar days from the effective date of the layoff, all personnel actions taken relative to the layoff. This report shall indicate employees who were non-permanent status at the time of layoff as well as those whose two most recent official performance ratings (includes a re-rating) were "Needs Improvement" and/or "Poor." The report shall include information for each affected employee as required in the HR Handbook.

17.25 Department Preferred Reemployment List

(a) The Department Preferred Reemployment List is a list of names of permanent employees who have been laid off or demoted in lieu of layoff. Employees on such a list shall be given preferential hiring rights for their department or agency subject only to the exceptions stated in Rule 17.26. Such employees shall be appointed with permanent status. Upon appointment from this list, the employee's pay shall be set in accordance with Rule 6.5.1. ***

(b) Only employees who have displacement rights who have been laid off or demoted in lieu of layoff shall be eligible for this list. Eligibility shall be limited to: ***

1. The agency or department where the layoff action occurred.
2. The employee's parish of domicile at the time of layoff and any other parishes he may list for availability.
3. The same job title the employee held at the time of the layoff action and equivalent or lower level jobs for which the employee qualifies in his career field. However, an employee who demoted in lieu of layoff shall be eligible only for jobs down to but not including those in the pay range to which he demoted.
4. A preference employee transferred pursuant to Rule 24.1 who is separated from employment as a result of a layoff occurring within 180 days of the effective date of the transfer may elect to be placed on the Department Preferred Reemployment List for any job at an equivalent or lower level for which he/she meets the minimum qualifications. ***

(c) Employees not eligible for this list include the following:

1. Those who displaced to a lateral position.
2. Those whose two most recent official performance ratings at the time of layoff were "Needs Improvement" and/or "Poor" (includes a re-rating).
3. Non-permanent employees.
4. Those who have retired from state service. ***

(d) Employees shall be ranked in the order of length of state service they had at the time of the layoff. The employee with the most state service for a given job and parish shall be given the first offer. Those tied shall be considered as having the same ranking.

(Rule 17.25 Department Preferred Reemployment List – continued)

(e) An employee's name will be removed from the applicable list(s) when:

1. He is offered reemployment to a permanent position from this list. His name shall then be removed for that job as well as for all others to equivalent or lower jobs, but shall remain on the list for higher jobs.
2. He declines or fails to respond to an offer. He shall then be removed for that job, equivalent jobs, and all lower jobs.
3. He attains permanent classified status in any position in any department. His name shall then be removed from all such lists for equivalent and lower jobs.
4. Those who were dismissed or resigned to avoid dismissal (except those who are reinstated) after the layoff action.
5. It is removed by the Director when he determines that a person is not qualified, is not available, or, upon investigation, is not found suitable for appointment to the position.
6. His name has been on the list for two (2) years from the effective date of the layoff.

(f) If the employee's job has undergone a change in the minimum qualification requirements or title or pay range (including one that has changed upward) since the layoff, at the request of the employee, he may have his name placed on the list for the newly revised job title and equivalent and lower level jobs in his career field. He shall not be required to meet the new qualifications if sufficient evidence is presented to the Director to show, as determined by the Director, that he is returning to a job having essentially the same duties he was performing when affected by the layoff. The exception to this is if the lacking qualification is one required by law or under a recognized accreditation program.

17.26 Exceptions to Hiring from the List

If there is a department preferred reemployment list, the employee who is first on the list shall be hired first, except when a position is filled by: 1) reinstatement; 2) internal demotion; 3) restoration of an employee returning from military service under Rule 23.15; or 4) restricted or job appointment, use of a temporary staffing services employee, and details to special duty, none of which shall exceed three months beyond the effective date of layoff.

17.27 Employees Offered Temporary Appointments from List Remain on List

Restricted or job appointments which exceed three (3) months past the effective date of layoff shall first be offered to the first person on the list. If the person accepts or declines such a temporary appointment, his name shall remain on the list for permanent appointments.

17.28 Layoff Referral List of Those Actually Laid Off

The Department of Civil Service shall establish a Layoff Referral List of permanent employees actually laid off, i.e., separated from state service. Agencies shall not be required to hire from this list, but may use the list as an aid for recruiting. Employees shall be placed on this list only for those job titles for which they are also on the Department Preferred Reemployment List and shall remain on this list for one year past the effective date of their layoff. Placement on this list gives laid off employees no special rights or eligibilities beyond the regular noncompetitive reemployment eligibility stated in Rule 23.13. The Department of Civil Service shall establish procedures to administer this list.

17.29 Movement of Employees after Layoff

For rational business reasons, after a layoff an appointing authority may move an employee from one position to another position for which he qualifies in the same pay grade, as long as such movement does not circumvent the Department Preferred Reemployment List.

- (d) The appointing authority may, at any time within 3 years from the date an employee gained eligibility, grant an employee all or any one of the merit increases for which he has attained eligibility provided the employee has not received an official overall "Poor" or "Needs Improvement" Performance Planning and Review rating for the applicable year(s). A part-time employee shall receive the same credit he would receive if he were employed on a full-time basis.
- (e) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the maximum rate of pay established for the job, or the highest rate within the base supplement authorized for the position occupied.
- (f) An employee's eligibility for the increases authorized in Subsection (a) and (b) shall not be interrupted by time served in the military service if he is reemployed under the provisions of Rule 23.16. ***
- (g) A former employee who is reemployed following a break in service of one or more working days, except those appointed from a department preferred reemployment list and except those who are restored to duty, under the provisions of Rule 23.16, upon return from military service, shall be considered a "new" employee within the meaning of this rule. ***
- (h) Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's eligibility to receive increases authorized under this rule.
- (i) An employee who has a current official overall Performance Planning and Review rating of "Poor" or "Needs Improvement" shall not be eligible for any increase under the provisions of this rule.
- (j) A former employee who is reemployed following certification from a department preferred reemployment list within a year of the layoff date shall retain the anniversary dates and merit increase eligibilities earned under subsections (a), (b) and (d) for which he has not been granted an increase. If reemployed from a preferred list after one year, he shall be considered a new employee with regard to the establishment of his anniversary date and merit increase eligibility.
- (k) An employee on detail to a position in a higher grade may be eligible for a merit increase in the higher job calculated on his individual pay rate in the higher job.

6.15 Red Circle Rates

Rates that fall within the range or within the base supplement authorized for a position become the employee's authorized individual pay rate. Excluding those that fall within the base supplement authorized for a position, individual pay rates that fall above the maximum established for the grade become red circle rates; or, under the conditions outlined below in subsection (d) of this rule, individual pay rates that fall above the base supplement authorized for a position become red circle rates. Such red circle rates remain in effect until the range or range plus authorized base supplement for a position catches up with the rate; however, eligibility for a red circle rate is lost upon separation from state service, or demotion except as provided in part (f) of this rule. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules. Red circle rates are assigned under the conditions as outlined below:

- (a) When the job to which a position is allocated is assigned to a lower grade.
- (b) Except as provided in Rule 6.8(d), when a position is reallocated to a job assigned to a lower pay grade.
- (c) When an adjustment (this does not include base supplement) to the pay structure has the effect of lowering the range minimum and maximum for the grade to which a job is assigned.
- (d) When positions are declared to be in the classified service and the employee's current rate of pay falls above the maximum of the range for the grade of the job into which the position(s) are allocated, or above the range plus base supplement authorized for the position allocated. A red circle rate given as a result of an acquisition of a position under Civil Service Rule 24.2 shall be treated in the following manner:
 - 1. After two years, should the red circle rate of pay exceed the maximum rate of pay of the job to which the position is allocated by over twenty-eight percent, the red circle rate shall be reduced to a figure not more than twenty eight percent above the aforementioned maximum or to the maximum of the base supplement, whichever is higher.
 - 2. A red circle rate reduced under (d) 1 above may not be reinstated under subsection (g) below.
- (e) When the employee's pay exceeds the maximum of an approved market grade.

(g) Pay for Employees at Range Maximum

Subject to the provisions of Rule 6.29, in order to reward those employees who have achieved at least 12 years of continuous State service and have reached the maximum of their pay range or the maximum plus maximum base supplement, have continued to exhibit satisfactory performance for a period of at least three years after reaching the maximum or maximum plus maximum base supplement, and who have been at the same maximum or maximum plus maximum base supplement pay rate for a period of three years, an appointing authority may, at his own discretion, grant a lump sum payment of up to 4% of the employee's base salary. Employees may not receive such an increase more frequently than every three years. Employees who are red circled shall not be eligible for a lump sum payment. Eligibilities gained but not received at the time of initial eligibility may be given prospectively at any time within three years of the initial eligibility.

(h) Payment for Attainment of Advanced Degree

An appointing authority may approve a base pay increase of up to 10% for a permanent employee who attains a job related Master's Degree, Ph.D., or their equivalent from an accredited college or university while employed at the Department, provided that a Department policy has been approved by the Civil Service Commission and the employee was not previously rewarded for attainment of the degree under another rule.

6.16.1 Rewards and Recognition

Subject to the provisions of Rule 6.29, an appointing authority may, at his discretion, implement a program of rewards and recognition for individual employees or for employee groups for significant achievement. Such rewards may be either monetary or non-monetary. If monetary, such rewards shall not exceed a total of 10% of the employees base salary within a fiscal year. Monetary rewards shall not be a part of the employee's base pay, but rather shall be a lump sum reward. Such reward and recognition programs shall be implemented in accordance with written policies and procedures established by each department. Such policies must receive advance approval from the Civil Service Commission and shall be posted in a manner that assures their availability to all employees. Such policies shall also include the public posting of all reward recipients.

6.16.2 Optional Pay Adjustments

Subject to the provisions of Rule 6.29, an appointing authority may, at his own discretion, grant individual pay adjustments to permanent employees to provide for the retention of an employee whose loss would be detrimental to the State service or to adjust pay differentials between comparable employees or to compensate employees for performing additional duties or to recruit employees into positions for which recruiting is difficult. Such increases shall not exceed 10% in a July 1 to June 30 period for an individual employee and shall not duplicate payment received pursuant to other pay rules. Such increases may be made as either a lump sum payment or a permanent addition to the employee's base salary. Such optional pay adjustments shall be implemented in accordance with written policies and procedures established by each department. Such policies must receive advance approval from the Civil Service Commission and shall be posted in a manner that assures their availability to all employees. Such policies shall also include a public posting of all recipients.

6.16.3 Gainsharing and Exceptional Performance

This rule establishes an incentive program designed to encourage increased efficiency and better performance in governmental operations. Subject to the provisions of Rule 6.29, and after obtaining a reward of monies from the incentive fund as established in the Louisiana Government Performance and Accountability Act, an appointing authority may implement an exceptional performance or gainsharing incentive reward program which provides for supplemental compensation to identify classified employees or classified employee groups responsible for efficiencies or exceptional performance. Where the agency is not covered by the Louisiana Government Performance and Accountability Act, the appointing authority shall obtain certification of efficiencies or exceptional performance as required by the Director of the Department of Civil Service. Employees must have been employed by the agency, program, or activity during the period when the efficiencies or the exceptional performance occurred and at the time the reward is distributed. Monetary rewards shall not be part of the classified employee's base pay, but rather shall be a lump sum reward not to exceed 20% of their annual base salary. Such reward shall not be considered in the determination of retirement benefits. Each appointing authority's supplemental compensation plan must be approved by the Civil Service Commission prior to distribution of the monies. The plans shall be posted in a manner that assures their availability to all employees. Such public posting shall identify the reward recipients and the amount received by each recipient.

6.17 Pay on Entering the Classified Service Under the Provisions of Rule 24.2.

An employee who enters the classified service under the provisions of Rule 24.2 because his position has been declared to be in the classified service shall have his pay established as follows:

- (a) If the employee's rate of pay falls within the range, or within the range plus the authorized base supplement for the position allocated, his rate of pay shall remain the same.
- (b) If the employee's current rate of pay is below the range minimum, it shall be brought to the range minimum or interim minimum if such is in effect at the time.
- (c) If the employee's current rate of pay is above the range maximum or above the range maximum plus the base supplement authorized for the position allocated, Rule 6.15 shall apply.

6.18 Repealed and Re-enacted in Rules 21.3 and 21.7, effective December 31, 2003.

6.19 Repealed and Re-enacted in Rules 21.4 and 21.7, effective December 31, 2003.

CHAPTER 9 PROBATIONARY PERIOD

9.1 Probationary Period.

- (a) Probationary periods of no less than six months or more than twenty-four months shall be served by employees following appointments to:
 - 1. Permanent positions following certification from an open competitive eligible list except as provided in Rule 9.1(h).
 - 2. Original appointments to permanent positions under the provisions of Rule 23.3(a). ***
 - 3. Non-competitive re-employments based on prior service, except as provided in Rules 17.25(a) and 9.3.

The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standard of work.

- (b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not be required to serve a probationary period in the new position.
- (c) A permanent or probationary employee who is appointed to another position following certification from an open competitive eligible list is considered a new employee in the new position and shall serve a probationary period no less than six months or more than twenty-four months in such new position.
- (d) A probationary employee who is permanently transferred, reassigned, or demoted to another position shall be eligible for permanent status in the new position between the sixth and twenty-fourth month of the probationary period which began prior to the change in position(s).
- (e) A probationary employee may be separated by the appointing authority at any time.
- (f) A former employee who is appointed from a department preferred reemployment list is not required to serve a probationary period in the new position. ***
- (g) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.

20.50 (Rule 9.1 – Probationary Period – continued)

- (h) An employee who has served at least 24 months in a job appointment with no break in service may be appointed to the same position, or a position in the same job title, in the same agency without serving a probationary period.

9.2 Permanent Appointment Action Following Probationary Period.

- (a) Permanent appointment of a probationary employee shall begin upon certification by the appointing authority that the employee has met the required standard of work during the probationary period.
- (b) A permanent appointment must be reported to the Director in the manner he prescribes.
- (c) The appointing authority shall separate employees who have not been certified as permanent at the end of the twenty-four month probationary period in accordance with the provisions of Rule 9.1(e).

9.3 Interruption of Probationary Period for Military Purposes.

A probationary employee who is absent for military training or military active duty in excess of thirty consecutive calendar days, shall be returned to duty in the probationary status at the point he reached in the probationary period before leaving. Absences of thirty consecutive calendar days or less shall be counted as part of the probationary period.

9.4 Repealed.

9.5 An employee cannot attain permanent status or acquire other rights and benefits of permanent appointment for more than one full-time equivalent position in State service.

11.26 Military Leave.

The provisions of this rule shall apply to members of a Reserve Component of the Armed Forces of the United States who are called to duty for military purposes, and to members of National Guard Units which are called to active duty as a result of a non-local or non-state emergency.

(a) Military Leave with Pay.

1. Provided they give advance notice, employees serving on job appointment, probationary or permanent status, shall be entitled to military leave with pay. ***
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
3. Maximum military leave with pay for military purposes is 15 working days per calendar year.

(b) Use of Annual and Compensatory Leave for Military Purposes.

1. Employees serving on job appointment, probationary or permanent status, who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave. ***
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.

(c) Use of Leave Without Pay for Military Purposes.

Employees serving on job appointment, probationary or permanent status, who have either exhausted annual leave and compensatory time or choose not to use their paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six years. After six years, he/she shall be separated from the classified service. This rule does not extend the term of temporary appointments which were made for less than six years; if the original term of the appointment was less than six years, the agency may end the appointment as originally scheduled and the employee may be separated. ***

(d) Rights Upon Return.

Probational and permanent employees and employees serving on job appointments returning to their classified positions under the provisions of this Rule or Rule 23.15, which governs time frame requirements for restoration to state employment, shall return with such seniority, status, pay, and annual and sick leave accrual rates as they would have had if they had not been absent for military training or military active duty; however, probational status shall be governed by the provisions of Rule 9.3. ***

20.63.1 (11.26 Military Leave – Continued)

(e) Repeal entire section as it applied only to Persian Gulf Crisis of 1990.

(f) Repeal entire section as it applied only to Persian Gulf Crisis of 1990.

(g) The provisions of this section of the rule apply to employees serving on job appointment, probationary or permanent status, who are called to active duty, and who are on Leave Without Pay by choice or because all annual and/or compensatory leave has been exhausted. The provisions of this subsection (g) shall apply retroactively to September 11, 2001. The provisions of this subsection (g) shall NOT apply to employees on "inactive duty for training" (weekend drills).

1. When Military Leave with Pay as provided in Rule 11.26(a) has been exhausted, an employee whose military base pay is less than his state base pay shall be paid the difference between his military base pay and his state base pay in his regular position. Such payment shall be made on the same frequency and manner as the employee's regular state pay, unless other voluntary arrangements are made. Employees receiving the pay differential shall provide to agency officials any documentation appropriate to ensure the payment amount is calculated correctly. Employees who choose to use their annual leave during their period of military absence shall not be eligible for receipt of the pay differential, unless the leave was used between September 11, 2001, and the date of the adoption of this rule, in which case subparagraph (4) shall apply.
2. Employees shall continue to accrue sick and annual leave for the entire period of service, beginning the date of the service. Leave shall be accrued on the same basis as though the employee had not been activated. Leave earned shall be credited to the employee upon his return from active duty.
3. Employees who are on Leave Without Pay shall receive, each calendar year, the full 15-days of Military Leave with Pay provided in Rule 11.26(a)3. The pay differential allowed in 11.26(g)1 shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave Without Pay status.
4. If paid leave has been used during any portion of service from September 11, 2001, through the date of adoption of this rule, an employee who chooses to use the pay differential option shall have his leave balance reccredited with a leave amount equal to the value of the pay differential the employee would have received had this rule been in effect on September 11, 2001.

(h) A probationary or permanent employee, who was called to active duty for military purposes and who resigned from state service, may, at his request, and within 90 days of his release from active duty, have his resignation rescinded and become eligible for the benefits of subsection (g) of this rule.

11.27 Leave of Absence Without Pay.

(a) An appointing authority may extend leave of absence without pay to an employee, provided that such leave shall not prolong the period of the employee's appointment.

(b) Abolish effective October 1, 2000.

(c) Repealed effective February 16, 2009. ***

(d) The appointment of an employee who has not completed his probationary period and who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.

(e) A permanent employee who has been extended leave of absence without pay under the provisions of Subsection (a) or (b), or both, hereof shall be restored to duty in pay status on or before the first working day following the expiration of such leave of absence. If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier date upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position and shall be separated in accordance with the provisions of Chapter 12 of these Rules.

(f) An appointing authority on its own initiative or at the request of the employee may curtail a period of leave of absence without pay extended to an employee, provided such curtailment is for the best interest of the State service and reasonable and proper notice thereof is furnished to the employee. Curtailment must not conflict with the provisions of Rule 11.26(b).

(g) In addition to any disciplinary action which may be imposed against an employee for an unapproved absence, such employee may be placed on leave without pay by his appointing authority for the period of unapproved absence.

11.27.1 Leave Prohibited to Assume an Unclassified Position.

A probationary employee shall not be granted leave to serve in an unclassified position.

11.28 Holidays.

(a) An employee, who is required by his appointing authority to work on his official holiday, shall be entitled to compensatory leave or overtime pay benefits as authorized in Chapter 21 of these Rules.

(b) When a holiday falls on an employee's regular day off, and the appointing authority requires the employee to work on his designated holiday and the actual holiday, the appointing authority shall select only one of the two days as the employee's official holiday for overtime compensation as provided by the Rules contained in Chapter 21. The other day is to be compensated as regular overtime work.

(c) Repealed, effective June 7, 1989.

11.29 Repealed and Re-enacted in Rules 21.4, 21.6, 21.7, 21.10 and 21.11, effective December 31, 2003.

11.30 Repealed, effective December 17, 1957.

11.31 Forms

The departments shall maintain uniform records on all types of leave on forms prescribed by the Director.

11.32 Repealed, effective December 17, 1957.

11.33 Repealed, effective December 17, 1957.

11.34 Crisis Leave Pool

Subject to the provisions of Rule 11.5(a), a department may establish a policy to implement and administer a pool of shared annual leave which may be used by employees who cannot work due to a crisis situation and who have insufficient appropriate paid leave to cover the absence needed for the crisis situation. An employee using leave from a crisis leave pool shall receive leave in sufficient quantity to ensure his wage replacement is 75% of the pay he would receive in a regularly scheduled workweek. A department's policy must have the approval of the Civil Service Commission prior to implementation. At minimum, policies must include the following conditions and elements:

1. Classified employees must have attained permanent status to be eligible to donate or use leave from the leave pool.
2. Each Department shall specify the calendar year or the fiscal year as their "crisis leave pool policy year". The department's policy shall establish a cap on the amount of annual leave which may be donated by an individual employee. No cap shall exceed 240 hours per employee per policy year.
3. The department's policy shall establish a reasonable balance of annual leave that donors are required to retain after the leave donation.
4. The department's policy shall establish a cap on the amount of leave which may be used by an individual employee. The cap shall not exceed 240 hours during one calendar year.

CHAPTER 12 – DISCIPLINE; CORRECTIVE ACTIONS; SEPARATIONS

12.1 Authority to Discipline, Remove, and Separate.

An appointing authority may discipline, remove, or separate an employee under his or her jurisdiction.

12.2 Separation of Non-Permanent Employees; Cause Required to Discipline or Remove Permanent Employees.

- (a) An appointing authority may separate a non-permanent employee at any time.
- (b) An appointing authority may discipline or remove a permanent employee for cause.

12.3 Discipline; Restrictions.

- (a) Discipline includes only: suspension without pay, reduction in pay, involuntary demotion, and dismissal.
- (b) A suspension without pay cannot exceed 176 work hours except under Rule 12.5 or as ordered or agreed to under Chapter 13 or Chapter 16.
- (c) A reduction in pay cannot reduce an employee's pay below minimum wage or below the pay range minimum.

12.4 Emergency Suspensions. [Repealed 7/9/08]

12.5 Suspension Pending Criminal Proceedings.

- (a) With prior Commission approval, an appointing authority may suspend a permanent employee, without pay, pending criminal proceedings when an indictment or bill of information has been filed against the employee for conduct that, if proved, would be cause for dismissal and the appointing authority cannot obtain sufficient information to initiate dismissal proceedings.
- (b) An appointing authority's request for approval of a suspension under this rule must explain why the conduct would be cause for dismissal, why the employee cannot be allowed to work in any capacity, and why sufficient information to initiate dismissal proceedings cannot be obtained. The request must also include documentation that an indictment or bill of information has been filed.
- (c) Before approving a suspension under this rule, the Commission must furnish the employee a copy of the appointing authority's request and a reasonable opportunity to respond.

- (d) A permanent employee suspended under this rule must be given written notice before the time the suspension begins. This notice must comply with Rule 12.8 to the extent possible.

12.6 Non-disciplinary Removals.

- (a) An employee may be non-disciplinarily removed under the following circumstances:

1. When, on the date the notice required by Rule 12.7 is mailed, hand delivered, or orally given, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave. An employee removed under this provision shall be paid for all remaining sick leave.
2. When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.
3. When, as a result of conduct that was not work related, the employee fails to obtain or loses a license, commission, certificate or other accreditation that is legally required for the job.
4. When the employee holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided the opportunity to do so, the employee has refused to resign from one of the positions.
5. When there is cause for dismissal, but the cause is not the employee's fault.

- (b) When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 22.4(d); 23.16(a)4; 23.13(b); 11.18(b) and 17.25(e)4 shall not apply.
